

The Supreme Court Confronts California's Craziness

On Tuesday, the Supreme Court heard arguments for *NIFLA vs. Becerra*, the case which focuses on the “law that requires pregnancy centers to notify women that the state offers subsidies for abortion.” In other words, pro-life pregnancy centers, which exist to offer women alternatives to abortion, would be required by law to tell their clients that the state can subsidize their abortions. But that hardly tells the story of how absurd this law is.

Certainly, it's bad enough that the state thought it had the right to require pro-life pregnancy centers to inform their clients about abortion opportunities. The whole reason for the existence of these centers, many (or almost all?) of which are faith-based, is to tell pregnant women that they don't have to kill their babies. To talk to them about the humanity of that child in the womb. To inform them about adoption. To share stories with them about other women who chose not to abort.

How on earth can anyone require them to say as well, “However, in case you're interested, the state will help you terminate your pregnancy and snuff out that precious life in your womb.”

But, to repeat, that is only part of the story.

As became evident when the justices questioned the California attorneys, the law goes far beyond that simple requirement. Instead, it mandates that *equal space* be given to advertise the pro-abortion language. What's more, it mandates that the pro-abortion announcement be made in *13 languages* to be sure that all bases were covered.

Hank Berrien explains that the “law was adopted in California in 2015, and forced the pregnancy centers to post a prominent notice if they had ‘no licensed medical provider’ available.

If the centers were licensed, they were forced to notify clients that the state offers 'free or low-cost' contraception, prenatal care and abortion."

And, what, exactly would this look like?

The requirement would be so absurd that even ultra-liberal Justice Ruth Bader Ginsburg had a problem with it. As Berrien notes, "After Michael P. Farris, a lawyer for the centers, said advertisements, including billboards, would have to offer the information in large print and in 13 languages, Justice Ruth Bader Ginsburg turned to the lawyer for California and stated, 'If you have to say that, those two sentences in 13 different languages, it can be very burdensome,' she said."

And exactly how "burdensome" is "very burdensome"? The *Los Angeles Times* reports this enlightening dialogue:

"What would happen if an unlicensed center just had a billboard that said, 'Choose Life.' Would they have to make the disclosure?" [Justice Anthony] Kennedy asked.

"Yes, your honor," Farris replied.

"It would be 29 words, in the same size font as 'Choose Life'?" Kennedy continued.

Yes, Farris said, "and in the number of languages required by that county."

Kennedy said he had heard all he needed to hear. "It seems to me that means that this is an undue burden. And that should suffice to invalidate the statute," he said.

Kennedy, of course, is absolutely right, although calling this requirement "an undue burden" would be the equivalent of saying that it would be "an undue burden" to require a man to carry an elephant on his back.

In practical terms (and using hypothetical language, not even

as cumbersome as what California requires), a billboard ad would look like this (relying on Google translate, and just sampling some of the state's top 12 foreign languages):

Choose Life

But if you choose to abort, you should know that the state can help subsidize your abortion

Pero si elige abortar, debe saber que el estado puede ayudar a subsidiar su aborto

□ □

Nhưng nếu bạn chọn h₁ y b₁, bạn nên biết rằng nhà nước có thể trợ giúp việc phá thai của bạn

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Բայց եթե հրաժարվեք, ապա պետք է իմանաք, որ պետությունը կարող է նպաստել ձեր աբորտի սուբսիդավորմանը

Но если вы решите отказаться, вы должны знать, что государство может помочь субсидировать ваш аборт

ولكن إذا اخترت الإجهاض ، يجب أن تعرف أن الدولة يمكن أن تساعد في دعم الإجهاض

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Yes, this is what California required, as completely ridiculous as it seems. (And note again: This was not the 29-word announcement that Justice Kennedy referenced, nor did I post it in 13 languages.) And what message would get out most to the public? “Choose life” or, “The state is here to help pay for your abortions”?

For many reasons, this ridiculous law is not only burdensome. It is not only an infringement of individual and corporate freedoms. It is the imposition of state-endorsed speech, in

strict violation of the conscience of many of its citizens. In short, it is an absolute outrage.

That's why major media outlets, like the *Los Angeles Times*, stated that, "The Supreme Court sounded ready Tuesday to strike down a California disclosure law that requires pregnancy centers—including those that are faith-based—to notify women that the state offers subsidies for abortion."

It's about time. Time to push back against some of California's craziness.